

# SENATE BILL No. 160

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-30-9-2.5; IC 34-11-2.

**Synopsis:** Environmental legal actions. Specifies the statute of limitations for an environmental legal action.

**Effective:** Upon passage.

**Gard**

January 8, 2008, read first time and referred to Committee on Energy and Environmental Affairs.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 160

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-30-9-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 2.5. IC 34-11-2-11.5 applies to an**  
4 **environmental legal action brought under section 2 of this chapter.**

5 SECTION 2. IC 34-11-2-7 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **Except as**  
7 **provided in section 11.5 of this chapter**, the following actions must  
8 be commenced within six (6) years after the cause of action accrues:

- 9 (1) Actions on accounts and contracts not in writing.  
10 (2) Actions for use, rents, and profits of real property.  
11 (3) Actions for injuries to property other than personal property,  
12 damages for detention of personal property and for recovering  
13 possession of personal property.  
14 (4) Actions for relief against frauds.

15 SECTION 3. IC 34-11-2-11.5 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) Subject to subsection**



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(c), a person that incurs costs of a removal or remedial action involving hazardous substances or petroleum before February 28, 1998, must bring an action under IC 13-30-9-2 before February 28, 2008.

(b) If subsection (a) does not apply, subject to subsection (c), the costs of a removal or remedial action involving hazardous substances or petroleum that may be recovered in an action under IC 13-30-9-2 are the following:

(1) The costs incurred within ten (10) years before the date the action is brought.

(2) The costs incurred on or after the date the action is brought.

(c) This section does not permit a person to revive an action brought under IC 13-30-9-2 that was finally adjudicated against the person.

SECTION 4. [EFFECTIVE UPON PASSAGE] IC 34-11-2-11.5, as added by this act:

(1) applies prospectively from the effective date of this act; and

(2) subject to IC 34-11-2-11.5(c), as added by this act, and notwithstanding IC 34-11-2-7, as in effect before the effective date of this act, allows a person to maintain an environmental legal action brought before the effective date of this act.

SECTION 5. An emergency is declared for this act.

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